

STATE LEGISLATURE.

SENATE.

FRIDAY, Dec. 10, 1852.

A message was received from the House of Commons proposing to go into an election for a Superintendent of Common Schools, this day at 11 o'clock.

Not agreed to.

Mr. Steele introduced a bill to apportion the Representation in the House of Commons.

The Speaker announced that the bill was out of order, it being of the same nature as a bill now before the Senate; but the Senator (Mr. Steele) had a right to offer it as an amendment to the bill before the Senate, lay it on the table and be printed. It was so disposed of.

Mr. McMillan offered a resolution in favor of the Sheriff of Onslow county.

Mr. T. F. Jones introduced a bill to amend the sixth chapter of the Revised Statutes concerning attachments.

Mr. Washington introduced a bill to incorporate the North Carolina Mining Company.

Mr. W. also introduced a bill to incorporate Manteo Mining Company.

Message received from the House of Commons transmitting the return of the Adjutant General of the State, with a proposition to print. Concurred in.

The bill to extend the right of appeal, prevent the accumulation of costs, expedite justice, &c., was taken up, and on motion of Mr. Kelly, laid on the table.

Mr. Cunningham offered a resolution that no special order shall be taken up until after 12 o'clock, from and after to-day. Adopted.

Mr. Bynum introduced a bill to revive and continue in force the North Carolina Mining and Manufacturing Company.

Order of the day being the bill to incorporate the Atlantic and North Carolina Railroad Company, it was taken up and read a second time.

Mr. Steele proposed to amend by striking out portion of the 34th section, providing for the transfer of \$25,000 worth of stock from the Fayetteville and Western Plank Road to the Road. Adopted.

Mr. Bower moved to strike out the whole of the 34th section, which provides for the transfer of the stock of Raleigh and Gaston Railroad to the Atlantic and North Carolina Railroad Company.

Messrs. Washington and Gilmer opposed the amendment, and Messrs. Bower and Caldwell advocated it.

The amendment was rejected.

Mr. Bower moved to amend by striking out the provision of the bill authorizing the Treasurer to endorse the bonds of towns and counties.

Pending the consideration of this amendment.

The hour of 2 o'clock having arrived the Senate took a recess.

HOUSE OF COMMONS.

FRIDAY, Dec. 10, 1852.

Mr. Adams moved that a message be sent to the Senate proposing to vote for Superintendent of Common Schools to-day at 11 o'clock, which prevailed; but the Senate refused to concur therein.

Mr. Mills, from the select committee, reported the bill to re-establish Polk county and recommended its passage.

The question was debated at some length by Mr. Mills, in favor of the bill, and by Mr. Webb, in opposition to it.

On motion of Mr. Holmes the bill was indefinitely postponed, yeas 63, nays 10.

A message was received from the Governor stating that the conditions having been complied with, the board of Internal Improvements had subscribed \$2,000,000, on the part of the State, to the N. C. railroad.

Sent to the Senate with a proposition to print and referred to the committee on Internal Improvements.

Mr. D. F. Caldwell, from the committee on Corporations, reported favorably on the bill to incorporate a company to construct a railroad from some point at or near Fayetteville to the coal fields in Chatham. Passed.

Also favorably on the bill to amend the act incorporating the town of Lumberton. Passed.

Also favorably on the bill to incorporate the Washington and Tarboro' plankroad company. Passed.

The special order, being the motion to reconsider the vote by which the Free Suffrage bill was rejected, was taken up, and on motion of Mr. Waugh it was laid on the table—yeas 56, nays 54.

Mr. Caldwell continued his reports from the committee on corporations.

Favorably on the bill to incorporate the Caswell plankroad company. Passed.

Also favorably on the bill to incorporate Solomon's Lodge, No. 138, of ancient York Masons. Passed.

A message was received from the Governor informing the Assembly that there are three vacancies in the Trustees of the State University, and also transmitting the report of the President and Directors of the Greenville and Roanoke railroad company. Sent to the Senate with a proposition to print.

The special order, being the motion to establish a freehold homestead, was taken up upon its second reading.

Mr. Cook offered an amendment providing that every citizen of the State who has not 50 acres of land shall be allowed to enter that quantity of any of the vacant lands of the State, and shall have a grant free of charge.

The bill was discussed by Messrs. Cherry, Spruill, and Albright in its favor; and by Messrs. George, Puryear and Reid of Duplin in opposition to it.

The hour of 2 o'clock having arrived the House took a recess.

HOUSE OF COMMONS.

FRIDAY, Dec. 10, 1852.

Mr. Hill, of Caswell, introduced a bill to incorporate Clinton Lodge, No. 107, ancient York Masons, at Yanceyville.

Mr. Nollett a bill to incorporate the Tarborough and Rocky Mount plankroad company. Referred to committee on Corporations.

Mr. Strange offered a resolution that our Senators and Representatives in Congress be earnestly requested to endeavor to get an appropriation from the general government sufficient to deepen the channel at the mouth of Cape Fear river. Adopted and sent to the Senate with a request that they concur.

Mr. Watters a bill to authorize the commissioners of Smithville, to transfer a certain lot.

Mr. Avery a bill to empower M. W. Kincaid, late Sheriff of Burke, to collect arrears of taxes.

Also a bill to appoint a meeting of the General Assembly. [Specified 34 Monday in November, biennially.]

Mr. Tripp a bill to amend the act incorporating the bank of Washington.

Mr. Strange a bill to incorporate the Ladies' Benevolent Society in the town of Wilmington.

Mr. Cook a bill to divide Wilkes county.

Mr. Puryear a bill, accompanied by memorial, to appoint commissioners to lay off a road from Salisbury, crossing the Blue Ridge at Roaring Gap, to the Virginia line.

Mr. Leach presented a memorial praying for a new county to be called Clay, and located out of portions of Randolph, Davidson and Montgomery.

Mr. Mills offered a resolution that the House hold night sessions from and after Monday next. Lies over under rule.

Mr. Calloway introduced a bill to lay off a public road in Ashe county.

Mr. Reid, of Duplin, a bill in relation to wills and testaments.

Mr. Waugh a resolution to rescind the resolution making an appropriation for furnishing the capital.

Mr. Johnson presented a memorial from citizens of Guilford praying that a tax may be laid upon all dogs except one of each family. Referred to committee on Finance. Messrs. Caldwell and Wiley presented similar memorial.

Mr. Dobson introduced a bill to repair the road from the town of Dobson to the Virginia line.

Mr. Munday a bill to authorize a majority of the Justices of the peace of Macon county to hold jury trials in the county courts of said county.

Mr. Sherrell a bill to authorize A. M. Powell and others to erect a toll bridge over the Catawba river.

Mr. Leach resolutions against "intervention."

Messrs. Collins, D. F. Caldwell, and Leach advocated the passage of the resolutions, and Mr. McNeill opposed them, not because he thought them improper, but because he thought them unnecessary.

Mr. Hill, of Duplin, offered an amendment, which was not read.

And the House adjourned.

SENATE.

SATURDAY, Dec. 11, 1852.

Mr. Clark, from the committee on Corporations, reported back the bill to incorporate the Jacksonville and Trent River Plank Road Company, with amendments.

Mr. McDowell offered a resolution, that no bills shall be introduced in the Senate, from and after Monday next, unless by consent of the Senate.

Mr. Caldwell offered a resolution instructing the Public Treasurer to pay the N. C. Railroad Company \$400,000, being first instalment due by the State on the stock subscribed by the State in said company. Passed first time; and the rules were suspended, and passed three times.

Mr. T. F. Jones moved that a message be sent to the House of Commons, proposing to vote for a Superintendent of Common Schools, on Monday next, at 11 o'clock. Concurred in.

The bill to repeal the county of Jackson, returned to the Senate, with an amendment, asking concurrence of the Senate. [Amendment proposes to organize Jackson County.]

First Reading of Bills.

Bill for the better regulation of the Town of Clinton, in the County of Sampson.

Bill to incorporate Uwharrie and Yadkin Plank Road Company.

Resolution relative to the bar at the mouth of Cape Fear River.

Bills on their third Reading.

Bill to regulate appeals to the Supreme Court, from the six Judicial Circuits. Passed.

Bill to amend the 53d section of the 34th chapter of Revised Statutes. Passed.

Bill to incorporate the Franklinsville Manufacturing Company, in the County of Randolph. Passed.

Bill to alter the line between Duncombe and Henderson Counties. Passed.

Bill to incorporate the Swift Creek Plank Road Company. Passed.

Bill to emancipate James Hosler, a slave. Passed.

Bill to incorporate the North Carolina Mining Company.

Bills on their Second Reading.

Bill in relation to the town of Oxford. Laid on the table.

Bill to appoint Commissioners to locate the town of Marshall, in the County of Madison. Passed.

Bill to provide for the improvement of the road from Reedy's River to the Tennessee line. The bill was amended and passed.

The Speaker announced the order of the day, the bill making appropriations for the works of Internal Improvements, being the unfinished business of yesterday. It was laid on the table, and

The bill for the extension of the Central Road East to Sanford, being the next unfinished business, was taken up, and amended; and the question being on the passage of the bill, its second reading.

Mr. Hoke proposed to amend by appropriating \$200,000 for the extension of this Road West, to Knoxville, Tennessee.

Mr. Washington opposed the amendment, but was overruled by a yeas and nays bill to extend.

Mr. Bynum advocated the amendment—so, also, did Mr. Caldwell.

Mr. Mitchell offered an amendment to the amendment to strike out of the 6th section \$1,000,000, and insert in lieu thereof \$250,000. Rejected.

The hour of 2 o'clock having arrived, the Senate took a recess.

HOUSE OF COMMONS.

SATURDAY, December 11th, 1852.

The unfinished business of yesterday, being the bill to establish a freehold homestead, was taken up, the question being on the amendment offered by Mr. Cook, which was rejected.

Mr. Caldwell, of Guilford, offered an amendment providing that no property except the freehold shall be exempt from execution, which, after some remarks by him, was rejected.

Mr. Puryear moved to amend by striking out the 5th section, which provides that the homestead shall not exceed 50 acres in extent and \$500 in value; which was rejected.

Mr. Avery offered an amendment that no husband shall avail himself of the provisions of the bill whose wife is entitled, in her own right, to lands to the value of \$500; which was adopted.

Mr. Phillips offered to amend by providing that the homestead shall constitute the wife's dower, if the husband dies seized of lands three times its value; which was adopted.

Mr. Phillips also offered to amend by striking out the 4th section of the bill, which makes it the duty of the creditor against the debtor to lay off a freehold when the debtor makes application to him to do so; which was rejected.

A message was received from the Senate proposing to vote for Superintendent of common schools on Monday next at 11 o'clock; which was concurred in.

Also a message transmitting an engrossed resolution directing the Treasurer to pay \$100,000 to the N. C. railroad company as a part of its first instalment of \$500,000—the \$100,000 to be returned to the Treasury out of the first money raised from the sale of State lands.

On motion of Mr. Avery the regular business was laid upon the table, the rules suspended and the resolution put upon its 2nd reading.

Mr. Saunders moved its reference to the committee on Internal Improvements, and spoke in favor of his motion, as did also Mr. Smith.

Messrs. Avery, Cherry and Spruill offered a reference, and the vote being taken the reference was made.

On motion of Mr. Amis the committee on Internal Improvements was allowed to sit during the session of the House.

The regular business was resumed, and Mr. Avery offered an amendment providing that the homestead may consist of less than 50 acres if necessary to reduce its value to not more than \$500.

Mr. Reid, of Duplin, moved to amend the amendment by providing that if the freehold, after it is laid off, shall increase in value so as to be worth over \$500 it shall not be exempt from execution.

Mr. Saunders said he was a friend to the bill, and suggested that it be allowed to pass its second reading and then be re-committed to the committee on the Judiciary that some improvements may be made.

Mr. Reid, of Duplin, moved that the bill be now committed to the Judiciary committee, and the motion prevailed.

Mr. Leach moved to reconsider the vote by which the bill to establish Polk county was yesterday indefinitely postponed.

Mr. Leach moved to lay the motion on the table, which did not prevail, and the House then refused to reconsider.

On motion of Mr. Adams the bill to divide Iredell county was taken from the table and made the special order for 12 o'clock to-day.

Mr. Wheeler, from the select committee to which was referred the act to incorporate the Catawba navigation company with instructions to report what amendments are necessary, reported a bill, which was ordered to be printed and made the special order for 11 o'clock on Monday next.

Mr. Webb, from the select committee to which was referred military affairs, reported the bill to repeal chap. 85 of Statutes passed at the session of 1850-'51, and passed its 2nd reading.

Also the bill to divide the militia of Rutherford county into three regiments instead of three, with amendments, which was adopted and the bill passed.

Also the bill to abolish the militia laws of the State, and recommended that it do not pass.

Mr. Caldwell, of Guilford, spoke in favor of the bill, and without concluding had to give way to the special order, being the bill to divide Iredell county.

Mr. Turner, of Iredell, spoke in favor of the bill, and Mr. Black against it. Mr. Avery explained why he should vote for the bill.

Mr. Spruill demanded the yeas and nays, and the bill was rejected—yeas 33, nays 60.

The unfinished business, being the bill to abolish the militia laws, was resumed, and the bill was rejected.

A message was received from the Senate informing the House that it had refused to concur in the amendment to the bill to repeal Jackson county.

Mr. Love moved that the House adhere to its amendment.

Mr. Smith moved to lay the motion on the table, which did not prevail, and the House adhered to its amendment—yeas 64, nays 34.

On motion of Mr. Avery the rules were suspended and the Senate forthwith informed of the action of the House.

Mr. Webb, from the select committee on military affairs, reported another bill to abolish the militia laws and for other purposes, and recommended it do not pass.

Mr. McIntyre advocated the passage of the bill. Mr. Webb opposed it, and concluded by moving to lay it on the table, which was done.

Mr. D. F. Caldwell, from the committee on Corporations, reported favorably on the bill to incorporate the ladies' benevolent society in the town of Wilmington, and it passed, and on motion of Mr. Long, of Randolph, the rules were suspended and it passed its third reading.

Also the bill to incorporate a bank at Concord, and recommended its rejection.

Mr. Harris, of Cabarrus, advocated the passage of the bill, and having concluded his remarks

The House took a recess.

SENATE.

MONDAY, December 13, 1852.

Mr. Clark, from the committee on Corporations, reported back the bill to incorporate Manteo Mining Company with amendments.

Mr. Drake, from the committee on Claims, to whom was referred a memorial relative to—Turnpike, reported the same back and asked to be discharged from the further consideration thereof.

Mr. Clark, from the committee on Corporations, reported back the bill to incorporate the Neuse River and Snow Hill Plank Road Company, with amendments.

Mr. Joyner, from the committee on Internal Improvements, to whom was referred sundry questions relative to the Roanoke Navigation Company, reported that the committee were of the opinion, that the Company, in default of complying with their charter, had forfeited their right, to the portion of Dan River, in question.

The hour of 11 o'clock having arrived, the Senate proceeded, in pursuance to a joint order made on Saturday, to vote for a Superintendent of Common Schools.

For Mr. C. H. Wiley—Messrs. Speaker, Albright, Bynum, Calloway, Cunningham, Gilmer, T. F. Jones, Joyner, Kelly, Lillington, McCleese, Mitchell, Murray, Palmer, Parks, Richardson, Steele, Thomas, Thompson, Washington, Wiley, Woodfin and Lane.

For Mr. T. H. Williams—Messrs. Barrow, Berry, Bower, Boyd, Herring, Kerr, McDowell, McMillan, Merrill and Spilane.

For Mr. Moore—Messrs. Brogren, Bunting, Drake, Hargrave, Hoke, W. Jones, Person, Shaw, Wooten, Withers and Ward.

Mr. Cunningham offered a resolution that a message be sent to the House of Commons proposing to vote for a Superintendent of Common Schools, on the 15th inst., and that the two Houses adjourn sine die on the 23d inst. Agreed to.

A message was received from the House stating that that body refused to recede from its amendment to the Senate bill providing for the repeal of the act establishing the county of Jackson.

Mr. Joyner moved that the Senate adhere to its disagreement to the amendment of the House to said bill.

Mr. Bynum moved to lay the whole subject on the table, which motion prevailed.

Message received from the House, proposing to vote for a Public Treasurer this day at 1 o'clock—agreed to.

Message from the House proposing to vote for a U. S. Senator, this day at 12 o'clock. Not agreed to.

The engrossed bill from the House of Commons, to incorporate the Ladies' Benevolent Society in Wilmington, was read three times, under a suspension of the rules, and passed.

Mr. Bynum introduced a bill and memorial to lay off a Road in Gaston county.

Mr. Clark offered a resolution providing for the printing of the public and private acts of the General Assembly, in separate volumes, and for other purposes, &c. Referred to the committee on the Judiciary.

Mr. Joyner moved to amend the rules and powers of Turnpike and Plank Road Companies.

Mr. Murchison, a bill to incorporate Cherish Division Sons of Temperance.

Mr. Bower, a bill to authorize the erection of a toll bridge over New River, in the County of Ashe.

Mr. Clark introduced a bill to incorporate Tarborough and Rocky Mount plankroad company.

Mr. Clark bill to incorporate Tarborough and Joyner's Depot Plank Road Company.

Mr. Kelly, a bill in relation to the town of Troy.

Order of the day being the Atlantic Rail Road; and Mr. Hoke's amendment being under consideration when the Senate adjourned on Friday.

Mr. Clark spoke against the amendment. Mr. Caldwell advocated the amendment. Mr. Lillington opposed it.

The hour of 1 o'clock having arrived, the Senate proceeded to vote as follows for Public Treasurer:

For Mr. Courts—Messrs. Speaker, Albright, Barrow, Bower, Boyd, Brogren, Bunting, Caldwell, Calloway, Clark, Cunningham, Drake, Hargrave, Herring, Hoke, Jones of Wake, Kerr, McDowell, McMillan, Mitchell, Murchison, Person, Speight, Shaw, Thomas, Ward, Watson and Withers.

For Mr. R. G. A. Love—Messrs. Albright, Bynum, Calloway, Gilmer, Hoke, Lane, McCleese, Murray, Richardson, Thompson, Washington, Wiley, and Woodfin.

Senate then took a recess.

REMARKS OF MR. CUNNINGHAM,

OF PERSON,

Delivered in the Senate, on the 29th November, to appoint a Superintendent of Common Schools.

MR. CUNNINGHAM said: I have made up my mind, Sir, to vote for Mr. Love, and I wish my reasons for doing so to be distinctly understood. The largest monetary interest in North Carolina is the Common School fund. It consists of about two millions of dollars, besides an immense amount of swamp lands; and while the interest on these two millions is annually appropriated among the various counties, the largest portion of it, amount nearly equally large is raised for the same purpose every year by taxation.

That we may know what becomes of this fund, the County officers are required to report to the Governor and Literary Board. Now do they do it? Every Governor has called on the appointing superintendent officer to look into this matter. Not half of the counties have reported regularly, and it is said immense sums have been lost sight of. No one calls on the County officers to report. They are left to act according to their own sense of right and wrong. Sir, if a man owns a large plantation and has many hands on it, he wants an overseer to look after things. If he has an extensive store he wants a good clerk. Whoover lays out large sums of money in speculation, acts very foolishly, if he does not look after it himself or employ a trusty agent to do it for him, and if he does not, he is sure to lose it.

For the sake of economy, I want a Superintendent of Common Schools. This school money is the people's money, and they expect us to see it properly applied. Suppose, Sir, when we go home, they ask us about these things. Suppose they ask us all about the money we have expended, and what has been done with the million of dollars spent the last year? What would we say? What could we say? Sir, I would tell the truth, we would say, "I cannot tell you anything about it. I do not know how much has been wasted, how much has been well applied, or how much has been forever lost." Then suppose, Sir, they ask us why we cannot give information, on these subjects. We would have to reply, "We could have cost us 1500 dollars, and we did not wish to spend your money. That is, we preferred to run the risk of losing 120,000 dollars of the people's money every year, rather than expend 1500 dollars to see it applied for the sake of economy. Is this economy? It is folly or wisdom? I suppose, Sir, we were to abolish the office of Treasurer and go home and tell

HOUSE OF COMMONS.

MONDAY, December 13, 1852.

The bill to incorporate a bank at Concord was rejected.

Mr. Caldwell, of Guilford, from the committee on Corporations, reported the bill to incorporate the Town of Morning Sun Academy, and it passed.

Also the bill to provide for the better regulation of the town of Louisburg, in Franklin county, which passed.

Also several bills for private corporations, which were laid upon the table, as a general incorporation law had been passed which embraced them in its provisions.

Also the bill to incorporate the town of New Salem.

Mr. Avery, from the committee on Internal Improvements, reported the bill to incorporate the North Carolina Railroad Company, and recommended its passage. Passed, rules suspended, and passed its 3d reading, and ordered to be enrolled.

On motion of Mr. Mills the resolution to hold night sessions was taken up and adopted.

Mr. Tolson offered a resolution to prohibit the introduction of new bills after to-day. Lies over under rule.

Mr. Cherry, from the committee on Finance, reported favorably on the resolution in favor of C. Latham, Sheriff of Washington county. Passed, rules suspended, and passed its 3d reading.

Also adversely on the resolution in favor of Jos. Donaldson, of Macon county. The resolution was rejected, and Mr. Martin moved to reconsider, which did not prevail.

The hour of 11 o'clock having arrived the House proceeded to vote for a superintendent of common schools. Messrs. Johnson and Fonville being the committee to superintend the election.

Mr. Leach nominated Mr. Wiley; Mr. Strange Mr. Williams; and Mr. Dorch Mr. Moore.

Mr. W. then moved for Mr. Wiley as Messrs. Adams, Albright, Alford, Amis, Baffo, Blow, Brooks, D. F. Caldwell, Calloway, Carmichael, Cherry, Cook, Cotten, Daniel, Dargan, Erwin, Eure,

the people we had saved them 1500 dollars.